



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.15348 of 2022

1. M.Kishorekumar

2. Nagajothi ... Petitioners/Accused No.1 & 2

Vs

1. The State Rep.by
The Inspector of Police,
All Women Police Station,
Dindigul District.
Crime No. 20 of 2022.

2. Mekalai

(R2 is Suo Motu Impleaded as Per Order of the Court dated 26/08/2022
in CRL OP(MD). No.15348 of 2022)

... Respondents/Complainants

For Petitioners : M/s.Sivachandran.P,
Advocate.

For Respondent No.1 : Mrs.Aasha,
Government Advocate (Crl.Side)

For respondent No.2 : Mr. Karthick kumar

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 20 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 323, 406, 498(A) and 506(i) IPC and Section 4 of DP Act in
Cr.No.20 of 2022, seeks anticipatory bail.



2.The case of the prosecution is that the petitioners () er accused have demanded additional dowry from the defacto complainant and also harassed her both mentally and cruelly and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the A1 has filed a petition for restitution conjugal rights and the defacto complainant has filed a petition for divorce before the Family Court, Dindigul and the same are pending and hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally four accused involved in this case and they have demanded additional from the de facto complainant and also harassed her both mentally and cruelly. She would further submit that the investigation of the case was completed and the charge sheet has been filed before the concerned Court. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail to the petitioners.

5. The learned counsel appearing for the 2nd respondent would submit that the petitioners herein have not returned the jewels belonging to the defacto complainant and the A1 has harassed her both mentally and cruelly and hence, he seeks dismissal of this petition.

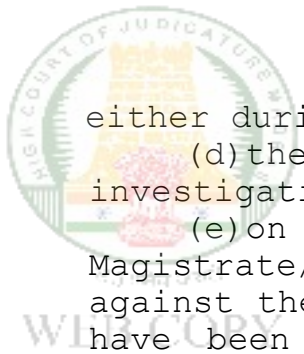
6.Considering the facts and circumstances of the case and also considering the fact that charge sheet has been filed and that HMOP proceedings are pending before the Family Court, Dindigul, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

<https://www.mhc.tn.gov.in/tile> petitioners shall not tamper with evidence or witness



either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/11/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Additional Mahila Court, Dindigul.
2. -do-Through The Chief Judicial Magistrate, Dindigul.
3. The Inspector of Police,
All Women Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.SIVACHANDRAN.P Advocate SR.No.13337

ORDER

IN

CRL OP(MD) No.15348 of 2022

Date :18/11/2022

RK/VR/SAR-II(28/11/2022) 3P 6C